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APPLICATION NO. /	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,759	09/05/2000	Jason Green	A7586	8540

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT PAPER NUMBER

3629

DATE MAILED: 02/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/655,759

Applicant(s)

GREEN ET AL.

Examiner

Jonathan Ouellette

Art Unit

3629

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 54-66 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date. 6.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Claims 1-53 by Applicant's Attorney Jeffery C. Maynard (Reg. No. 46,208) on 2/4/2004 (telephonic examiner interview - paper No.6) is acknowledged.

Response to Amendment

2. Claim 67 has been cancelled, Claims 1-66 remain pending in application 09/655,759.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narrative Communications (www.narrative.com, published date 5/13/1998, retrieved from Internet Wayback Machine <<http://web.archive.org>> on 8/11/2003) in view of Wang (Wang, Nelson, "Narrative Rolls Out technology For Doing Sales Inside a Banner," Internet World (www.internetworld.com), May 4, 1998).

5. As per independent Claim 1, Narrative Communications and Wang disclose a method of interactive advertising, comprising: displaying a Web page from a server for a first URL, said Web page having an ad space; displaying an ad in said ad space, wherein said ad is generated by an ad server and promotes a good or service offered at a server for a second URL; detecting a user interaction with said ad space; and in response to said interaction; and obtaining purchasing data in only said ad space, without requiring said user to leave said Web page from said server for said first URL (www.narrative.com).
6. Narrative Communications fails to expressly disclose linking said ad space to said server for said second URL by means of an intermediary companion server; enabling a user to conduct a purchasing transaction with said server for said second URL.
7. However, Narrative Communications does disclose being fully integrated with existing customer merchant services and including a link the customer (1-800-Flowers) site (pg.19, www.narrative.com)
8. Furthermore, Wang discloses wherein the Narrative Enliven/Impulse system “will tie in directly to an advertiser’s site if it is using Microsoft Site Server, but eventually the service will work with other commerce servers as well.”
9. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included linking said ad space to said server for said second URL by means of an intermediary companion server; enabling a user to conduct a purchasing transaction with said server for said second URL, as disclosed by Wang in the system disclosed by Narrative Communications, for the advantage of providing a method of

interactive advertising, with the ability to increase the efficiency and effectiveness of the method by allowing direct transaction communication with customer merchant system.

10. As per independent Claims 2, 48, and 51, Narrative Communications and Wang disclose an interactive advertising support method (element server, computer program product) comprising: (a processor, and a memory under control of said processor;) providing an element server (inherent); providing to a web client an interactive element obtained from said element server; providing at said element server a companion element corresponding to said interactive element; responding to said distant target file requirement of said interactive element by sending to said companion element a distant file request relating to a distant target file address on said distant server (inherent), wherein said distant server is distinct from said element server; responding, at said companion element, to said distant file request, by interacting with said distant server in accordance with said distant file request (www.narrative.com).
11. Narrative Communications fails to expressly disclose wherein said companion element can enable two-way communication between said element server and a distant server; receiving at said interactive element of said element server a distant target file requirement.
12. However, Narrative Communications does disclose being fully integrated with existing customer merchant services and including a link the customer (1-800-Flowers) site (pg.19, www.narrative.com)
13. Furthermore, Wang discloses wherein the Narrative Enliven/Impulse system “will tie in directly to an advertiser’s site if it is using Microsoft Site Server, but eventually the service will work with other commerce servers as well.”

14. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included wherein said companion element can enable two-way communication between said element server and a distant server; receiving at said interactive element of said element server a distant target file requirement, as disclosed by Wang in the system disclosed by Narrative Communications, for the advantage of providing a method of interactive advertising, with the ability to increase the efficiency and effectiveness of the method by allowing direct transaction communication with customer merchant system.
15. As per Claims 3, 49, and 52, Narrative Communications and Wang disclose when said distant file request is a distant target file delivery request: said distant target file address indicates a distant target file of said distant server; and said companion element: responds to said distant target file delivery request by obtaining said distant target file from said distant server, stores said distant target file at said element server as a local target file, and provides said local target file to said interactive element in satisfaction of said distant target file delivery request.
16. As per Claims 4, 50, and 53, Narrative Communications and Wang disclose where said distant file request is a distant target file transmit request: said distant target file address indicates a distant target file destination address of said distant server; said interactive element provides said distant target file to said companion element; and said companion element responds to said distant target file transmit request by sending said distant target file to said distant target file destination address.
17. As per Claim 5, Narrative Communications and Wang disclose said web client being provided with a primary target file from a website system; said web client displaying for a

user an original web page based on said primary target file; said primary target file including a reference to an ad space file of a distributor system; said ad space file including a reference to said interactive element; said interactive element defining an advertising program of an ad space of said primary target file; and said distant file server defining a vendor system of a vendor, wherein said distributor system and said website system are separate from said vendor system (see rejection of Claim 2).

18. As per Claim 6, Narrative Communications and Wang disclose wherein: said advertising program places information about said vendor directly in said ad space; and said advertising program displays a user activatable area for browsing said distant file server for products of said vendor through said ad space without leaving said original web page.
19. As per Claim 7, Narrative Communications and Wang disclose wherein said advertising program displays a user activatable area for enabling said user to purchase a selected one of said products of said vendor without leaving said original web display.
20. As per Claim 8, Narrative Communications and Wang disclose wherein said advertising program includes a shopping cart capability allowing said user to select a plurality of said products and then purchase them all at one time without leaving said original web page.
21. As per Claim 9, Narrative Communications and Wang disclose wherein: said advertising program initially displays in said ad space a first presentation selected from the set consisting of images, animations, and text; and said advertising program responds to a first interaction of said user with said ad space by displaying a second presentation.
22. As per Claim 10, Narrative Communications and Wang disclose wherein an initial program load for said advertising program is performed so as to load a highest priority resource prior

to loading, in a low priority thread, a remainder of resources required by said advertising program.

23. As per Claim 11, Narrative Communications and Wang disclose making a detection of an environment of said web client prior to said step of providing to said web client said interactive element.
24. As per Claim 12, Narrative Communications and Wang disclose wherein said detection of said environment includes determining one or more of: the kind of software for said web client; the kind of hardware on which said web client is running; and the connection speed between the element server and the web client.
25. As per Claim 13, Narrative Communications and Wang disclose selecting said interactive element based on said determination of said environment.
26. As per Claim 14, Narrative Communications and Wang disclose making a determination of a context of said original web page based on said primary target file; and selecting content for said interactive element based on said determination of said context of said original web page.
27. As per Claim 15, Narrative Communications and Wang disclose wherein said advertising program provides a presentation emulating a website of said vendor.
28. As per Claim 16, Narrative Communications and Wang disclose wherein said interactive element sends to said companion element a distant files request for a multimedia file, and provides the contents of said multimedia file through said ad space.
29. As per Claim 17, Narrative Communications and Wang disclose a step of said vendor updating said distant target file.

30. As per Claim 18, Narrative Communications and Wang disclose wherein said updating is performed automatically from said vendor system at a predetermined interval.
31. As per Claim 19, Narrative Communications and Wang disclose wherein said distant target file is an electronic product of said vendor and is delivered to said user via said companion element and said interactive element.
32. As per Claim 20, Narrative Communications and Wang disclose wherein said electronic product of said vendor is one or more of: a software product, a written product, and a multimedia product.
33. As per Claim 21, Narrative Communications and Wang disclose wherein said advertising program constitutes a registration engine for gathering user subscriptions.
34. As per Claim 22, Narrative Communications and Wang disclose wherein content for display by said interactive element is selected based on information about said user.
35. As per Claim 23, Narrative Communications and Wang disclose wherein information about said user is obtained from a cookie.
36. As per Claim 24, Narrative Communications and Wang disclose wherein said information about said user is obtained from an ad-tracking database.
37. As per Claim 25, Narrative Communications and Wang disclose wherein said ad tracking database is provided by said distributor system.
38. As per Claim 26, Narrative Communications and Wang disclose wherein said ad tracking database is provided by said vendor system.
39. As per Claim 27, Narrative Communications and Wang disclose providing to said user a price quote for a customized one of said products.

40. As per Claim 28, Narrative Communications and Wang disclose selecting content for said interactive element to display based on geographical information pertaining to said user.
41. As per Claim 29, Narrative Communications and Wang disclose wherein said interactive element is provided with information that is continually updated.
42. As per Claim 30, Narrative Communications and Wang disclose said interactive element providing a transaction capability for creating a transaction based on a present value of said information that is continually updated.
43. As per Claim 31, Narrative Communications and Wang disclose wherein said interactive element includes a user activatable area for setting an alert based on a present value of said information that is continually updated.
44. As per Claim 32, Narrative Communications and Wang disclose triggering said alert to create said transaction.
45. As per Claim 33, Narrative Communications and Wang disclose wherein said interactive element is structured to present to said user a live gaming interface.
46. As per Claim 34, Narrative Communications and Wang disclose wherein user interactions with said interactive element are used as an input to an ad-tracking database storing information relating to said user.
47. As per Claim 35, Narrative Communications and Wang disclose wherein said ad tracking database stores shipping and purchasing information pertaining to said user, and said shipping and purchasing information is accessible by interactive elements pertaining to products from a plurality of vendors.

48. As per Claim 36, Narrative Communications and Wang disclose wherein said ad space includes a user activatable area for a user to initiate an operation for activating said interactive element in an independent window.
49. As per Claim 37, Narrative Communications and Wang disclose wherein said original web page includes a plurality of ad spaces with corresponding interactive elements.
50. As per Claim 38, Narrative Communications and Wang disclose wherein said corresponding interactive elements for said plurality of ad spaces are selected by said user.
51. As per Claim 39, Narrative Communications and Wang disclose wherein said advertising program displays a survey for gathering feedback from said user and stores a user response to said survey in an ad tracking database without leaving said original web page.
52. As per Claim 40, Narrative Communications and Wang disclose storing information obtained about said user through said interactive element in an ad tracking database, and sending advertising information to said user via one or more of e-mail, telephone calls, faxes, and mail.
53. As per Claim 41, Narrative Communications and Wang disclose storing information obtained about said user through said interactive element in an ad tracking database, said information including environment information relating to said user, wherein said environment information includes one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from previous interactions, recent browsing history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data.

54. As per Claim 42, Narrative Communications and Wang disclose a step of performing post presentation marketing by presenting to said user one or more of coupons, discounts, and incentives.
55. As per Claim 43, Narrative Communications and Wang disclose a step for sending to said vendor statistics relating to one or more of an environment of said user, behavior of said user, user interactions, and the duration of said user interactions.
56. As per Claim 44, Narrative Communications and Wang disclose wherein said interactive element provides a user communication interface for interactive communication between said vendor and said user through said ad space.
57. As per Claim 45, Narrative Communications and Wang disclose wherein said interactive element includes a natural language capable query program.
58. As per Claim 46, Narrative Communications and Wang disclose wherein said interactive element includes a conversation capable agent for communicating with said user.
59. As per Claim 47, Narrative Communications and Wang disclose wherein said interactive element includes a communication interface supporting a chat session.

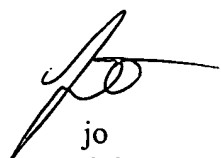
Response to Arguments

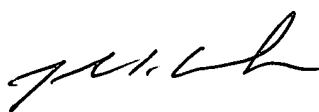
60. Applicant's arguments filed 11/17/03, with respect to Claims 1-66, have been considered but are moot in view of the new ground(s) of rejection.
61. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

62. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

63. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
64. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.
65. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.


jo
February 4, 2004


JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600